

THE
PROCEEDINGS

AT THE
First ASSIZES of PEACE, Over and
BORTH

County of SURREY
HELD AT

GUILD FORD

ON
FRIDAY the 26th, SATURDAY the 27th, and MONDAY the
29th Days of March.

In the 15th Year of His Majesty's Reign,

BEING THE

First ASSIZES in the SHERIFFALTY
OF THE

Right Worshipful THOMAS BEVOIS, Esq;
High Sheriff of the County of SURREY,

For the YEAR 1742.

L O N D O N.

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(2)

THE
CEEDINGS
AT THE

the Peace, and Oyer and Terminer,
the County of *SURREY*.

By the Honourable Mr.
FORTESCUE ALAND,
of the Justices of his Ma-
jesty's Court of Common Pleas; and
others of his Majesty's Justices of Goal
Delivery for the County of *SURREY*.

The Names of the Jury.

Charles Martin,
Thomas Martin,
George Marsh,
John Martin,
James Goring,
William Morris,

Richard Tuing,
Thomas Howard,
John Baker,
Thomas Chuter,
Henry Rogers,
Thomas Hall,

William Thomas, of *Banstead*, Gardener,
was indicted, for that he, not having the
Fear of God before his Eyes, but being
moved and seduced by the Instigation of the
Devil, on the 13th Day of *October*, in the
13th Year of his Majesty's Reign, in and
upon *John Symonds* did make an Assault,
and with a certain Knife made of Iron and
Steel, value Six-pence, which he the said
Thomas had and held in his Right Hand,
him the said *Symonds*, on the Left Side of the
Belly, under the Navel, feloniously, wilful-
ly, and of his Malice aforethought, did
strike, giving to him (the said *Symonds*) with
the Knife as aforesaid, one mortal Wound,
of the Length of one Inch, and of the
Depth of three Inches, of which mortal
Wound from the 13th of *October* to the

14th of the same Month he languish'd, and
then dy'd, in the Parish of *Banstead* afore-
said.

He was a second Time charg'd by Virtue
of the Coroner's Inquisition for the said
Murder.

Roberts Bruce. The Prisoner at the Bar,
on the 13th of *October* last, had quarrell'd
with the Deceased, who was a Soldier, and
they fought at a Publick-House at *Banstead*.
I was present at the same Time, and saw
them quarrelling, and there were several
other People in the Room. I think there
was *Benjamin Nunn*, *Thomas Mason*, *Peter*
Legg, and some other Persons; and after the
Prisoner and the Deceased were parted, the
Prisoner stabb'd the Deceased with a Knife;
and he cry'd out I am kill'd.

Benjamin Nunn. I am Porter to 'Squire
Shayb, and happen'd to be eating my Sup-
per by the Fire Side when this Murder was
committed at the Alchouse. There were
several People present, and I believ'd the
Prisoner and the Deceased were both in Li-
quor, and had fell out, and come to Blows.
I heard that there was a Quarrel between
them the Night before, and as they had fell
out the next Night, the Soldier was going to
fetch a Constable to charge *Thomas* for as-
saulting him. *Thomas* follow'd him, and
they went to fighting again, and I parted
them; but as the Deceased was going off, the
Prisoner follow'd him clapp'd him against a
Dresser, and pull'd a long Knife out of his
Pocket,

Pocket, and stab'd him in the Belly, so that his Cawl hung out. I saw the Deceas'd fall, and he cry'd out, *Lord! Lord! I bleed.* He has kill'd me. Here is the Knife (then Mr. Nunn produc'd a long Gardener's Knife with the Stains of Blood on it) which gave the Wound. The Prisoner was Sir George Walker's Gardener, and we secur'd him, and carried him before Squire Ludlow, who sent him to Gaol, and the Man died next Day.

Q. Do you know of any Malice between the Prisoner and the Deceas'd.

Nunn. Indeed I cannot tell. I know no more than of the Quarrel; and that I saw him kill the Man. We took his Watch, 3 Guineas in Gold, and Four-pence Half-penny out of his Pocket, before we carried him to be examin'd.

Thomas Bailey and Peter Legg, (who were in the House when the Murder was committed) confirm'd what Mr. Nunn had said; and depos'd, that they heard the Deceas'd say, *I am a dead Man, the Gardener has kill'd me.*

A Surgeon. I was sent for to examine the Wound, and found it was Mortal. The Knife had penetrated so deep, that it was impossible the Deceas'd could recover. I can take upon me to say, that the Wound was the Cause of Mr. Symon's Death.

Prisoner. I had been drinking very much the Day that the Misfortune happen'd, and was in Liquor, and knew not what I did. I never saw the Man till the Day before, and had no Malice in my Heart. The Jury found him Guilty of *Manslaughter.*

William Waters, late of the Parish of *Coniston*, was indicted for assaulting John Fuller the Elder, and John Fuller the Younger, Esqrs. on the King's Highway, putting them to Fear, and taking from them, 7 Guineas in Gold, a Silk Purse, value 12 d. one Piece of Foreign Coin, value 13 s. 6 d. three Diamond Rings, and 7 l. 4 s. 6 d. in Money on the 24th of March last.

Mr. Fuller, jun. As I was returning from *East-Grinstead* in *Suffex*, with my Father in a Chaise, on *Riddles-Down*, I saw the Prisoner pass us, and I suspected him. He came presently with a Pistol in his Hand, and demanded our Money. I gave him 7 s.

in Silver, but he said that would not do. — then you I'll have all your Money. I desir'd him to turn his Pistol aside, for the Horses not caring to stand still, and his Hand shaking, I was afraid the Pistol would go off. My Father drew off his Glove, and gave him what Money he had. I then gave him mine in my Purse, and then he demanded our Rings, which we also gave him. He swore if we did not readily deliver all, he would shoot us. When he got our Money and Rings he rode off, and I alarm'd the Country, and left written Papers to describe the Man and Horse. He was followed, and pursued 13 or 14 Miles, and taken up at an Alehouse at *Nursfield*, and my Money, Purse and Rings taken upon him. I have not seen him since the commission of the Robbery till this Morning in the Prison, when I desir'd he might be set on his Horse in the same Manner he robb'd me. I saw him mounted, and am very positive he is the Man.

Alexander Langley. I am Servant to Mr. Fuller, and I am sure the Prisoner at the Bar is the Man who attack'd my Master. I know him, and was sure when I saw him this Morning in the Goal, he was the Man. I saw my Masters give him Money and Rings.

The three Men that took the Prisoner, were call'd and severally depos'd, that hearing a Robbery had been committed, and a Description given of the Prisoner they follow'd him, and came up with him at *Nursfield*, where they had Intelligence, that such a Man as they had describ'd in blue grey Cloaths, with a green Belt round him, a black bob Wig, pitted with the Small-Pox, and rode on a little cropt Horse, had about three Hours before come into a Publick House, that they went and seiz'd him, and found he was the Man described; and that he did not hesitate to acknowledge he was the Man that had robb'd Squire Fuller; that they carried him to *Guilford*, and that he own'd the Robbery to several People as they were on the Road.

Prisoner. I own I am the Man that committed the Robbery. I leave my Case to your Lordship's Option. I desire nothing but Death. There is some Money and Rings.

Ring that belong'd to me, that were taken from me when I was apprehended, and have not since been return'd. I hope Sir, (to Mr. Fuller) you will let me have the Money and Ring again. I desire nothing of yours, only my own Money, which will be a little Support to me in Prison for the short Time I shall live. Guilty, Death.

Mr. Fuller return'd the Money and a Gold Ring to the Prisoner, which he did not claim as his Property.

William Johnson, William Ball, and John Salmon, were indicted for feloniously stealing 70 lb. Weight of Sugar, value 18 s. on the 11th of December last, the Property of Persons unknown.

They were again indicted for feloniously stealing 20 lb. Weight of Sugar, value 8 s. the Property of Persons unknown.

It appear'd by the Evidence, that the Prisoners were employ'd as Lightermen in the River, by the Merchants, to bring Sugars from the Ship, and that they had frequently found Opportunities to take several Bags and Boxes of Sugar, and carry them ashore; that they were detected by Mr. John Cook, in stealing Sugar which was put into the Lighters from on board the *Sarah* and *Elizabeth*, which then lay at *Fountain-Sairs*, *Rotherhithe*; and that he examined them, and carried them before the Right Hon. the Lord Mayor, who committed them to *Newgate*.

William Woolton and Alexander Ruskin both depos'd, That they saw the Prisoners take Sugar out of the *Elizabeth*, and carry a Bag and a Box on Shore, both which were produc'd in Court, and sworn to be the same the Prisoners had in their Custody.

Neither of them said any Thing in their Defence, so the Jury found them guilty of the Indictment.

James Gunnell, late of the Parish of *Mitcham*, was indicted, for that he, after the 1st Day of May last, viz. on the 21st of December two Weather Sheep, the Property of *Elizabeth Constable*, did steal and drive away, contrary to the Statute, &c.

Mrs. Constable. My Sheep was taken out of the Church-yard at *Mitcham*, and part of the Mutton was cut into Joints. My Servant can give a better Account of the

Affair than I can, for he found some Part of the Meat in the Custody of the Prisoner.

Thomas West. I am Servant to the Prosecutors, and suspecting that he was concerned in stealing the two Sheep, my Mistress and I went to *Denell Onslow*, Esq; and inform'd him of our Suspicion, on which his Worship granted a Search Warrant and we got a Constable, and went to the Prisoner's House, and took him into Custody, and he said that he knew nothing of the Sheep, but we found, on searching two Shoulders of Mutton in a Flock Bed, and found the Skins of the Sheep in the same Room.

Prison. I bought the Mutton, and knew nothing of its being stolen. I have several People here to speak to my Character.

Court. You would do well to produce the Person you bought it of: otherwise what you say will be of no Service to you.

West. Here is the Confession he made before Justice Onslow.

Then the Confession of James Gunnell was read, which set forth, that he and another Person stole the two Sheep out of the Church-yard of *Mitcham*; and afterwards skinn'd them, and cut them into Joints.

Prisoner. I know nothing of the Confession. They went to a Publick-House, and we all got drunk together; and then they made me say Things which I did not intend.

West. The Examination was read over before the Justice, and his Worship ask'd him if it was right. He said it was, and that he liked it very Well.

William Courtesley and John Clements appear'd, and gave the Prisoner the Character of an honest Man, and said they had intrusted him, and that they never knew any Dishonesty by him. The Jury found him Guilty, Death.

Charles Burroughs, of *St. Mary Lambeth*, (a Boy of 14 Years of Age) was indicted for assaulting *Elizabeth Berwin* on the King's Highway, putting her in Fear, and taking from her a Gold Necklace, value 30 s. on the 25th of July last.

Nicholas Berwin. My Daughter, a little Girl lost her Gold Necklace; and said a Boy had robb'd her of it; but I know no more.

Elizabeth

Elizabeth Nevill. I saw the Boy, the Prisoner at the Bar) and another Lad stop the Child, and whilst the Prisoner took the Necklace off her Neck, the other Boy held her down; and when they had got it, they both ran away together. I call'd out Stop Thief! Stop Thief! and the Prisoner was soon taken, but the other got away.

Thomas Sallinger. Hearing a Cry of Stop Thief, and seeing a Boy run, I went up and laid hold on him; and just as I had seiz'd him, I saw this Necklace lay on the Ground by him. He said he knew not how it came there.

Then the Necklace was produc'd.

Court to Mr. Betbwin. Is this the Necklace your Daughter lost?

Betbwin. My Lord, I am sure it is the same.

Nevill. And this is the Necklace I saw him take from the Child's Neck; and I am positive he is the Boy that took it.

Prisoner. There being a Cry of Stop Thief, this Man seiz'd me, and because the Necklace lay by me, they sent me to Goal, and said I had stole it. I should have had several People here to speak for me, but they are so poor, and it is such a great Way from London, that they could not spare Time to come down. I hope you will consider my Youth. I never was before the Face of a Justice in my whole Life. Guilty, Death.

James Johnson, of St. Georges's Southwark, was indicted for stealing after the 1st of May last, viz. on the 3d of November, two Weather Sheep, value 48 s. and one Ewe Sheep, value 17 s. the Property of *Thomas Love.*

It appear'd by the Deposition of Mr. Love, that the Prisoner had taken the Sheep from the End of Kent-Street, and that they were found in his Custody, in a Garret where he lodg'd; and that when he was taken before Justice Lacy he confess'd that he had taken the Sheep.

The Confession was taken Court, and the Prisoner own'd he had sign'd it; but it appearing that the Examination was taken upon Oath, the Court inform'd the Prosecutor, that it was of no Effect, until Mr Love proved that the Prisoner acknowledged the

Fact before he was brought to Justice Lacy Guilty Death.

William Sothern, late of *Thurking*, was indicted for stealing after the 1st of May last, viz. on the 4th of February, one Weather Sheep, value 6 l. the Property of *John Hall.*

Robert Skinner. The Man at the Bar hired me to drive ten Sheep for him, and said his Name was *William Martin*; and if I could sell them, he bid me take the Money, but I was stop'd, and the Sheep appear'd to be stolen, and Mr. Hall own'd them to be his.

Prisoner. I know nothing of the Sheep.

Court. He seems very ancient and sick. Was he capable of driving so many Sheep.

Mr. Hall. He was as hearty as I am w^h he stole them.

Prisoner. I am old and poor, and have no Friends. The Jury acquitted him.

Peter Lewis, late of *Longfield*, was indicted for breaking and entering the Dwelling House of the Rev. *John Holman*, Clerk, about the Hour of one in the Afternoon, and stealing two Gallons of Spirituous Liquor, call'd Rum, value 16 s. and several Glass Bottles, value 2 s. the Property of the said Mr. Holman, on the 14th of January last.

Mr. Holman. My House was broke open, and some part of the Liquors taken upon the Prisoner.

Robert Lewis. I am a Sergeant of the Guards, and have list'd this Man for a Soldier, but hearing he had broke open the Parson's House, I took him aside, and told him, if he would confess, I would not hurt him. He told me, he had broke open the Cellar-Window, and got at the Liquor, and afterwards took some Beef and Bread away.

Prisoner. I was in Liquor I can say nothing to it. The Jury found him guilty of single Felony, but acquitted him of the Burglary.

Nathaniel Lancoster, was indicted for feloniously stealing 193 lb. Weight of Lead, value 12 s. affixed to the Dwelling-House of *Michael Maynard.*

It appeared by the Evidence, That the Prisoner was stop'd early in the Morning on the 3d of February last near *Meson-Street*

In *Southwark*, with the Lead upon him, and two other Men in his Company, that he was seiz'd, and that his Companions ran away. When he was carried before Justice *Lacy* he made an ingenuous Confession, and said his Confederates (*John Stevens* and *Thomas Lewis*) had assisted him in stealing the Lead; and said if the Justice would admit him, he would go with Mr. *Mannard* and Mr. *Roads* the Constable, and shew them what part of the House they took the Lead from. He went accordingly, and the Lead found upon the Prisoner agreeing exactly with the remaining Part, it was plain that the Prisoner and his Companions had stolen it from Mr. *Mannard's* House.

The Prisoner's Confession was read, and he having nothing to offer in his Defence, the Jury found him Guilty of Felony.

Christian Cassin, Spinister, was indicted for feloniously stealing four Holland Shirts, and other Goods, value 16s. the Property of *William Hutton*.

It appeared, that the Prisoner had pawn'd the Shirts and other Linnen; but the Prosecutor not being able to prove that she stole them, the Jury acquitted her.

Edward Clements, was indicted for stealing one Hand-Saw, three Chissels, two Plains, and other Carpenters Tools, the Property of *Henry Poulier*; but the Prosecutor not making it appear to the Jury that *Clements* stole the Tools, he was acquitted.

Finally the Wife of *John Hart*, otherwise, *Watts*, was indicted for stealing a Green-silk Gown, and a white quilted Petticoat, the Goods of *William Drisdale*; but the Prosecutor having no Evidence to prove the Fact, the Jury acquitted the Prisoner.

Samuel Topp, late of *Richmond*, Grocer, was indicted for a Misdemeanor, in forging a certain Paper, partly printed, and partly written, call'd a Permit, (No. 103.) with an Intent to defraud his Majesty of the Inland Duty on Tea, on the 17th Day of August last.

The Indictment charg'd the Prisoner a second Time, with publishing the said Permit, knowing it to be forg'd and counterfeit.

It was observed by the Counsel for the

Prosecution, that tho' the Indictment with which the Prisoner was charg'd, was not a capital Offence, yet it was a Crime of a heinous Nature, and very prejudicial to the Fair Trader, besides defrauding the Crown of a great Part of its Revenues. That the Prisoner for some Time had made a Practice to take Permits for seven or eight Pounds Weight of Tea, and by adding a Y to the Permit, made it Eighty, so that such a Quantity of Tea was sold without paying the Inland Duty; and that this had been carried on for a very considerable Time. They then proceeded to call their Witnesses.

Henry Vere. I granted this Permit for 8lb. of Tea only; and it is now alter'd to 80; by adding a Y it is plain.

Council for Prosecution. Are you an Officer belonging to the Excise?

Vere. I belong to the 2d Division, in Lancaster-Court, and a Note being brought to me by Mr. *Walmley's* Servant to make out a Permit for 8lb. of Tea, I made one out, and this is the same.

Council for Prisoner. Did not Mr. *Topp* apply to you for this Permit?

Vere. I do not know him. I never saw him before to my Knowledge.

Council for Prisoner. Then you cannot take upon you to say he forg'd this Permit. It might have been forg'd by another Hand, after it had been deliver'd by you, before it came into your Possession.

Vere. I do not know that. It is plain that the Y has been added. When we grant Permits we always keep a Counter-Part; and this is the same I have now in my Hand.

Then the Officer produc'd the Counter-Part, and both that and the Permit were shewn to the Court and the Jury.

John Mercalls. I am an Agent belonging to the Excise, and found, at the Prisoner's Shop the Corner of *Richmond-Green* no less than 17 counterfeit Permits.

William Wigson. I am Supervisor of the *Kingston* Division, and having survey'd Mr. *Topp*, I thought for a middling Dealer, that he had a very great Demand for Tea. At first I had not the least Suspicion, until I was inform'd by all the Dealers at *Richmond*, and the Neighbourhood, that *Topp* had

had got the greatest Part of their Customs from them in selling cheaper. I did not use to Survey him at this Time but perhaps two or three Times a Month; but, in order to detect any unfair Practices he might be guilty of, I made him very frequent Visits, and watched him pretty narrowly; and finding that he went often into *Sussex* and *Kent*, the Smuggling Countries; I found my Suspensions were but too well grounded, and began to believe what the Dealers in Tea had told me. I endeavour'd every way to detect him; but on the Increase of Stock, I always found a Permit. They us'd to be in a Shop-Book, where he made Memorandums, and looking among the Permits, I found that several of them seem'd to have a Y added as from Seven to Seventy, and from Eight to Eighty. Upon this he was order'd to attend the Justices at *Putey*; and I think when his House was search'd there was no less than 17 found that had been thus alter'd.

Mr. *Wingfield* the Collector for the County of *Surry* confirm'd Mr. *Wigson's* Testimony; and said that on what *Wigson* had told him, he inform'd the Commissioners of Excise, and had Orders to proceed against Mr. *Topp*.

It further appear'd, That there was several Hundreds Weight of Tea found in an enter'd Apartment, belonging to the Prisoner; but as that was no ways relating to this Prosecution, the Court would not take Cognizance of it.

The Council for the Prisoner, after the Evidence for the King had given their Testimonies, observ'd, that as there was no Proof that the Prisoner had forg'd the Permit, only from the Circumstances of the Forgery itself; and that the Permit was not taken from the Prisoner, or his Servant, and might be forg'd by some Person or other, with whom the Prisoner dealt, unknown to him; that the Jury would acquit him.

Defence. John *Davison*. I know the Prisoner and believe that he has dealt very largely in Tea with Mr. *Walker*. I have seen him pay Mr. *Walker* between 20 and 30 l. at a Time for Tea, and saw him going down to *Hungerford* with two Bags in his Hand, and this Permit.

Council for Prosecution. Did you know what was in the Bags?

Davison. I cannot tell. I believe there was Tea in them.

Council for Prosecution. This Man that you have call'd is a good Evidence for the King. He says he saw this Permit in the Prisoner's Hand, and we have not been able to prove that he had it, otherwise than that it was found in a Book in his Shop, amongst other Permits.

The Prisoner not calling any other Witnesses, the Court, in giving Charge to the Jury, observ'd, that in Cases of this Nature, it was impossible to bring any but circumstantial Proof; for that when a Man intended to commit a Forgery, it could not be supposed that he would make any Body privy to it as a Witness. The Jury found him Guilty of the Indictment.

William Ford was indicted, for that he being an evil dispos'd Person, on the 5th of *January* last, about one in the Night, in the Parish of *St. Mary Rotherhithe*, otherwise *Redriff*, did wilfully and maliciously set fire to several Houses, whereby such Houses were consum'd, &c. contrary to the Statute.

Mr. *Foy*. The House in which the Prisoner liv'd, belonged to Mr. *Richard Bradford*, and before this happen'd, the Prisoner had several Times declar'd in my Hearing, that he would set fire to the Houses. There were 15 Houses burnt to the Ground in less than an Hour and a-half.

Council for Prisoner. You say the Prisoner had declared that he would set fire to the Houses; do you believe when he made that Declaration that he was in his Senses?

Foy. I believe he was as much in his Senses as I am.

Coun. Do you believe a Man in his Senses would set fire to his own House, and expose himself and Family to the Flames?

Foy. He seem'd very sensible when he declar'd this. Several Persons who are now in Court heard him make the same Declaration.

John Ingold. I happen'd to be drinking half a Pint of Purl at the *Red Lion* in *Rotherhithe*, where the Prisoner came in, and

and swore he would burn down the Houses. About one in the Morning there was an Outcry of Fire, and the Flames spread themselves so furiously, that I had much ado to save my Wife and Child. I am his next Door Neighbour. I believe the Prisoner was in his Senses. I have no Reason to think the contrary.

John Hooker. I heard him at several Times declare that he would set Fire to the Houses. I do not think but he was as sensible as I am; and knew Good from Harm.

John Adams. I was a Lodger in the Garret of the same House where the Prisoner liv'd; and early in the Morning when this Fire happen'd, he came up to my Apartment, and knock'd at the Door. I ask'd, *Who is there?* He reply'd, *It is I;* pray be so kind to let me light a Candle. I got up, and open'd the Door, and he lit a Candle. Soon after this, I heard a Noise in the Prisoner's Room below Stairs, and list'n'd to hear what was the Matter. I thought his Wife and he had been quarrelling. I heard her say, *Pray, Billy, don't, for God's Sake, don't.* Soon after this, there was an Outcry of Fire; and it was so sudden, that the Neighbours had much ado to save themselves.

Robert Smith. The Prisoner's Wife alarm'd me with a Cry of Fire. I was much surpris'd, and saw the Smoke come very thick out of the Prisoner's Window. I concluded that he had set Fire to the Houses. His Wife exclaim'd very much against the Prisoner, and said, My Husband is a Rogue; he has done it on Purpose, and ought to be hang'd.

Coun. Do you believe the Prisoner at this Time was in his Senses?

Smith. I know nothing to the contrary. I have heard that he was beside himself.

Coun. We shall call several Persons to prove, that the Prisoner has been Lunatick for some Years past, and that he ought to have been confin'd in a Mad-house. If these People shal caus'd him to be taken Care of, it is very probable this Accident had not happen'd. He has threaten'd several Times to set Fire to the Neighbourhood before he did it.

Mr. Symondson. The Prisoner is a crazy Man, and has been disorder'd in his Senses

several Years. In 1733 he was confin'd in Bedlam; and since he has been discharg'd from thence he once attempted to cut his Throat.

Counsel for Prosecution. When the Prisoner was discharg'd from Bedlam, was not you of Opinion that he was perfectly cur'd?

Evidence. I cannot say but his Behaviour since has plainly demonstrated to the contrary. I have lately, a little before this Accident happen'd, seen him behave with all Symptoms that cou'd attend a Madman. He has come into my House, and call'd for Pen and Ink, at Midnight, and said he wanted to write something Material, and when the Pen and Ink was brought, he would walk about the Room like one distracted, and would go out of the House without saying a Word. I have look'd upon him for Years past, to be a poor crazy Man, that was fitter to be taken Care of in a Mad-House, than to be let loose to do Mischief.

Katharine Young. I believe that the Prisoner has been beside himself for some Time past, and that he was not in his Senses when he committed this Fact.

George Hilman. I have known him from a Child, and always thought him not in his Senses. He was so bad three or four Years ago, that his Friends were obliged to get him into Bedlam; and I believe that he never has been perfectly cur'd.

Several other Witnesses appear'd and declar'd, that the Prisoner had some Time before the setting Fire to the House behav'd like a Man in Despair. The Jury acquitted him.

It was afterwards mov'd by Council, that there might be an Order of Court, that the Parish should take care of him. The Court was of Opinion, that the Parish ou't to take Care of him, to prevent his doing further Mischief, but would make no Order relative thereto.

William Brew, late of St. Olave's Southwark, was indicted (with *John Hudson* not yet taken) for stealing six Bags of Coney-Wooll, the Property of *Henry Butler*, on the 15th of January last.

Mr. Butler. I lost a great Parcel of Coney-Wooll out of my Workshop, and suspecting

pecting the Prisoner and one *Izzard*, the last of these two was taken up in London, and committed to *Woodstreet-Compter*. He made an Information against *Prew* and *Hudson*, and declared they was all three concerned in robbing me. *Prew* was taken, and sent to *Newgate*, but *Hudson* is not yet apprehended.

Court. Was this Wooll taken out of your Workshop?

Burser. It was a Shop where we work, and is a Warehouse besides.

James Izzard. The Prisoner at the Bar, *Hudson*, and myself broke into Mr. *Burser's* Shop, and took away the Coney-Wooll. There was six Bags of it.

Prisoner. I know nothing at all of the Matter. He only swears against me to clear himself. I have No Body to speak to my Character. I am from my Friends. Guilty of Pilory.

Elizabeth Bridges, and *Anne* the Wife of *Thomas Elliot*, otherwise *Ann Elliot*, Spinifter, of *St. George's Southwark*, were indicted for breaking and entering the Dwelling-House of *Joseph Wilkinson*, in the Night-Time, and stealing a Silver Cup, several Silver Spoons, a Silver Pepper Box, sundry other Pieces of Plate, a laced Hood, 25 s. in Money and other Things, the Property of the said *Joseph Wilkinson*.

Mary Wilkinson. My Husband was abroad when my House was broke open; and the Morning it was done, I went out to *Bilingsgate* between two and three o'Clock. When I return'd, which I believe was between five and six, I found I had been robb'd. They had broke open the Cellar-Door, and got into my House. I lost a great many Things. There was a Pint silver Mug, a Cup, four Spoons, a Pair of Salts, a Pepper-Box, a laced Hood, some other Apparel, and 25 s. in Money. The Prisoner *Bridges* had been a Servant to us, and suspecting her, she was taken up, and carried before Justice *Nicholas* in the *Bridge-Yard*, where she confess'd, that she had robb'd the House, and that Mrs. *Elliott* had persuaded her to it. She said she had wrench'd open the Window-Shutter with an Iron Poker to get in, and after she had taken away the

Plate, Mrs. *Elliott* receiv'd it of her, and sold it. She made an Information which was taken in Writing before the Justice, and all along declar'd that the other Prisoner *Elliott* was concern'd with her.

Marry Barry. I buy and sell old Cloaths, and had some knowledge of the Prisoner *Elliott*. She came to me and offer'd this Pepper-Box to Sale. I ask'd her how she came by it. She told me it was her own, and said she had met with some Misfortunes in the World which oblig'd her to part with it. I told her what a Silver-smith would give her, I should be willing to pay, she went and weigh'd it, and I gave her 11 s. 6 d. which was 9 d. more than it came to by Weight: This is the same Pepper Box.

Mary Wilkinson, again. And I swear this is my Pepper Box. Mr. *Pinchbeck* bought these Spoons of *Elliott*.

Mr. Pinchbeck. My Wife bought a Spoon of the Prisoner.

Mrs. Pinchbeck. The Prisoner had liv'd with us about five Years ago. I bought a Spoon of her, and did not know but it was her own.

Court. Is the Prisoner married or single?

Pinchbeck. I don't know that.

Court. During the Time she liv'd with you, did you never see her Husband? She stands indicted to be the Wife of *Thomas Elliott*.

Pinchbeck. I have seen her with a Child in her Arms. I never took Notice of her Husband.

Thomas Smith. As I was going to the New-Goal with *Bridges*, after she was committed, she declar'd to me, that *Ann Elliott* persuaded her to leave her Plate, and rob her Mistress; and said that *Elliott* had been the Ruin of her, and had taken all the Plate which she had stolen from Mr. *Wilkinson's* House.

William Oliver. I heard Mrs. *Pinchbeck* say that she bought the Cup, and that it was stole, and that she sold it the next Day.

Mrs. Pinchbeck. I never said such a Word. *Makepeace.* I declare upon my Oath I heard her speak the Words.

Mr. Pinchbeck. I said, I believ'd if tw had bought any Cup, it was sold to the Refiners, and melted down. They are troublesome People.

The Jury found both the Prisoner guilty of the Indictment. Death.

Ann Hyslop, of St. George's Southwark, was indicted for privately stealing from the Person of Peter Saffrey, half a Guinea in Gold, and 11 s. in Silver, on the 4th of September last.

Peter Saffrey. I was in Liqueur, and went into a House in Birdenge-Alley, where I saw the Prisoner; and when I got up, I found all my Money gone, half a Guinea in Gold, a Crown Piece, and 10 s. in Silver. I cannot say she had it. The Jury acquitted her.

Mary Douglas Sparkes, of George's Southwark, was indicted for privately stealing from the Person of William Cross a Watch, with the outside and inside Case made of Silver, value 5 l. half a Guinea in Gold, and 5 s. in Silver, Dec. 23.

William Cross. About last Christmas, I was coming past St. George's Church, and a Woman pick'd me up, and laid hold of the Chain of my Watch, and pull'd it out of my Pocket. I lost half a Guinea and some Silver, but I was so fuddled, I cannot tell how much Money I had.

Court. If you was in Liqueur, how can you take upon you to say the Prisoner was the Woman that robb'd you.

Cross. I don't say that. I am sure.

Elizabeth Higgs. I had Mr. Cross's Watch from Sparkes, and sold it in Rag-Fair. I know no more. The Jury acquitted her.

Jane Caden and Mary White, of St. George's Southwark, were indicted for privately stealing four Pounds in Money and two Gold Rings, value 10 s. from the Person of John Wade, August 21.

Mr. Wade. I was a little in Liqueur, and I was met in the Street by these two Women. I think they are the same. They carried me to a Publick-House in Mint-Street, and there I lost my Money and Rings.

Court. Can you swear they took your Money and Rings.

Wade. I cannot indeed. I was in Liqueur,

and pretty far gone. The Jury acquitted them.

Elizabeth Balcorn, was indicted for feloniously stealing a short Cloth Cloak, a straw Hat, a white Apron, and sundry other Goods, the Property of James Bateman, in his Dwelling-House, in the Parish of God-fone, Nov. 6. To this Indictment the Prisoner pleaded Guilty.

Edward Balcorn, (Husband of the above Elizabeth) was indicted for stealing a Cock, four Hens, and a Pullet, the Property of Thomas Dodge; and two Hens and three Pullets, the Property of John Baker, the 2d of February last. Guilty of Felony.

Thomas Williams, and Thomas Jones, were indicted for feloniously stealing two Loaves of Sugar, value 8 s. in the Shop of Isaac Kimber, Feb. 28. And,

Barnaby Mollineux, was indicted, as an Accessary after the Fact, in receiving the said two Loaves of Sugar, knowing them to be stolen.

Mr. Kimber, I lost these two Loaves of Sugar out of my Shop; and one of them was carried clean off, but the other Loaf the Prisoners dropt, in making away, because I suppose they were so closely pursued, that they could not conveniently carry it. The Prisoner Williams was taken, and carried before Justice Engear, where he did not deny but he was one of the Persons who robb'd me. He desir'd to be admitted an Evidence and made a long Information before the Justice against Thomas Jones, Francis Probbere, one Squires and Benjamin Hodges. Jones was taken, and Williams declar'd he was concern'd in the Robbery, and said the Sugar Loaf was sold to Mollineux the other Prisoner, who liv'd in Joyner's-street, and in Mollineux's House, the Loaf was found.

Robert Moore. I was the Constable who had Williams in Custody. He own'd before Mr. Engear, that he and Jones and Squires robb'd Mr. Kim's Shop, and said Mollineux had bought the Loaf of Sugar for 2 s. and 4 d. He said he gave them a Groat a Pound for it. He us'd to buy stolen Goods of the Prisoner. I went with a Search Warrant to the Prisoner Mollineux's House, and found the Sugar Loaf, which Mr. Kimber claim'd as his Property.

Council.

Council for the Prisoner. Can you take upon you, Sir, to say that the Sugar found in Mr. Williams's House belong'd to you?

Mr. Kimber. I am sure that the Loaf was mine. It was mark'd I at the Bottom, which is a particular Mark I use. Williams's found the Sugar-Loaf, which Mr. Kimber claim'd as his Property.

Then the Information of Thomas Williams was read, and is as follows:

SURRY.

THOMAS WILLIAMS being the Prisoner now present, voluntarily informeth and saith, that he together with Francis Frobisher and Benjamin Hodges, did about two Months ago steal from a Cheesemonger near Whitechapel-Church, two Cheshire-Cheeses, and sold them to one Mollineux in Joyner's-Street, in the Parish of St. Olave's, for seven Shillings; and this Informant further saith, that he together with the said Hodges and Frobisher, did about a Week afterwards, steal from a Cheesemonger the Corner of the Blue-bear, near Whitechapel-Bar, one Gloucester-Cheese and one Cheshire-Cheese, which they sold to the said Mollineux for five Shillings, and this Informant further saith, that they together, did a few Days after steal from a Cheesemonger near Billingsgate, four Gloucester-Cheeses, and sold them to the said Mollineux for nine Shillings; and this Informant further saith, that he together with the said Hodges and Frobisher a few Nights after did steal from a Cheesemonger near Old-Bedlam, two Gloucester-Cheeses, and sold them to the said Mollineux for about four Shillings; and this Informant further saith, that he together with Thomas Jones, did about a Fortnight ago, steal from a Porkshop in St. Thomas's a Foreline of Pork and half a Ham, which said Fore-line of Pork they sold to the said Mollineux for about half a Crown; and this Informant further saith, that he together with Francis Frobisher and Benjamin Hodges, did steal about three Months ago from a Shop near Shoreditch Church, twelve Pair of Men's Stockings, and sold them to the said Mollineux for about twelve

Shillings; and this Informant further saith, that he together with the said Hodges, did about the same Time, did steal from a Shop near Spittle-yard by Norton-Palace, one Canister of Tea, and sold it to the said Mollineux for thirteen Shillings; and this Informant further saith, that he together with the said Benjamin Hodges and Francis Frobisher did steal from a Shop near Billingsgate four pair of Stockings, for which Francis Frobisher sold this Informant, he sold them for five Shillings; and this Informant further saith, that he together with Francis Frobisher and Benjamin Hodges did steal on Friday the 25th Day of February, from a Grocer near the Gully-Hole in Teague-Street one Sugar-Loaf, and sold it to the said Mollineux for two Shillings and six Pence; and this Informant further saith, that he together with one Jones, Salmon and Squires, did on Saturday last the 28th of Feb. steal from Mr. Kimber, Grocer, in the Borough, two Sugar-Loaves, one of the said Loaves being sold as this Informant believes by Benjamin Hodges and Francis Frobisher to the said Mollineux for half a Crown; and this Informant further saith, that he together with Thomas Jones did steal from a Hoster in the Borough near St. Margaret's-Hill, about a Fortnight ago, seven pair of Stockings, which said Stockings was sold by a Young Woman, for three Shillings and six pence; and this Informant further saith, that he stole from a Butcher in Newgate-market, a Hindquarter of Veal, and sold it to the said Mollineux at two Pence a Pound; and this Informant further saith, that the several Goods before mentioned, to be sold to the said Mollineux, were not sold at this Informant believes for more then half the true Value; and this Informant further saith, that the Person in this Information call'd Mollineux is the intended same Person taken into Custody, and brought before Thomas Engeir, Esq; and declar'd Personally, by this Informant, with receiving the Goods before-mentioned, knowing them to be stolen, who at that time declar'd his Name to be Barnaby Mollineux.

Thomas Williams.
Taken and Acknowledged the 2d Day of March 1741, before Thomas Engeir.

Council. What *Williams* said does not
concern me, as he is indicted as a
Prisoner in the Robbery.

John Williams. I do not deny the
Robbery, nor what is in my Information. I
was to be an Evidence.

Query to Mr. Kintner. Did *Williams* say,
that the Prisoner *Jones* was concerned in the
Robbery?

Mr. Kintner. He said that *Jones* was
concern'd with him, both before the Justice,
and after his Commitment to the New Goal.

The Jury found *Williams* and *Jones* guilty
of the Indictment, Death; but acquitted
Samuel Robinson.

John Upham, of St. Mary Magdalen,
Bernardsey, was indicted for stealing 48 lb.
Weight of Sole Leather, and a tann'd Pig-
Skin, the Property of *Thomas Seager*, on
the 18th of January last.

Mr. *Seager*, jun. This Leather was lost
out of our Leather House in *Long Lane*;
and my Father being inform'd, that the Pri-
soner sold Leather, we took him up on Sus-
picion, and then we found who had bought
the Leather.

John Shaw. I bought as much Leather
of the Prisoner as come to 63 s. d.

William Woodall. I bought a Quantity
of Leather of the Prisoner, and paid him 9 s.
for it. He said it was his own.

Mr. *Seager*. This Leather in the Bag is
the same we lost. I know it by the Mark;
and do swear it is my Father's Property.
My Father is not here; but I know it is
ours.

Shaw. This is the Leather I bought of
Upham.

Woodall. This is the same I bought of
him.

Prisoner. I found it at Mr. *Seager*'s
Door, lying in the Street. They don't prove
that I stole it. Guilty.

Thomas Stevens, of *Sutton*, was in-
dicted for stealing two Cocks, and four Hens,
the Property of *Samuel Staff*.

Mr. *Staff*. On the 1st of *March*, about
10 at Night, I being in my Bed-Chamber,
heard a Noise in my Hen-House, on which
I open'd the Window, and fir'd a Musket
thinking that would frighten the Thieves;

but I was mistaken, for in a Short Time af-
terwards, I found the Fowls were stolen.
The next Day I went to Justice *Wright*,
and got a Warrant, and on searching the Pri-
soner's House, I found my Fowls. His
Wife would have opposed the Constable from
searching, because she knew her Husband
had robbed us.

Thomas Stanley, confirmed what Mr. *Staff*
had said as to finding the Fowls in the Pri-
soner's House.

He said nothing in his Defence; so the
Jury found him Guilty of Felony.

John Page and *Alexander Andrews*, of St.
George's Southwark, were indicted for steal-
ing a Bay Mare, the Property of *Thomas*
Nash.

Mr. *Nash*. I lost my Mare out of the
Field, and one *Coleman* was found riding
away with her. I know nothing of the Pri-
soners.

Williams Coleman. The Prisoners are two
Lawyers. They stole this Mare, and order'd
me to ride away with her, and as I was go-
ing off, I was stop't in *Kent-Street*. We
have stole together a great many Horses; and
I made an Information of this before Justice
Copeland.

Joseph Sherman. I am Servant to Mr.
Nash, and saw this Man *Coleman* riding my
Master's Mare down *Kent-Street*. I stop't
him, and ask'd him how he came by her.
He reply'd, *What is that to you*. I said, *It*
was so me, and I would know before I left
him. He bid me go about my Business, and
said, *I was a ragged Fellow*. I told him,
it was the Way for me and my Master to be
both ragged, if he stole the Mare; so I
charg'd him, with the Robbery; and my
Master swearing to the Mare, he was carried
before Justice *Lacy*, who sent him to the
New Goal. He was ask'd, both before the
Justice, and afterwards, how he came by her,
and said he had her of a Man; but he did
not mention any Name, or where he liv'd.

Defence. *John Fowler*. I was Prisoner
in the County Goal when this Man (*Coleman*)
was committd; and I heard him say, that
he did not know the Man of whom he had
the Mare.

Charles Tong. When *Coleman* was brought
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into the New-Gate, I iron'd him, and ask'd him, if any Body was concern'd with him. He laugh'd at me, and said he had no Accomplices, but that a Man gave him the Mare, and a full Pot of Beer, to ride her down Kent-street.

Richard Sanders. The Prisoners are very honest Men, and would be far from being guilty of any Crime of this Sort. On the 11th of December, which is the Day the Robbery was committed, I having the Misfortune to be in the *King's-Bench* employ'd the Prisoners to ingross some Writings for me.

Mrs. Saunders. The Prisoners were never out of our House the Day the Mare was stolen, they came in about 10 in the Morning, and never went out 'till 12 at Night.

It appearing to the Jury, that the Evidence *Coleman* was committed to Prison on the 11th of December, and had never made any Information 'till within a Week of the Assizes, against either of the Prisoners, but on the contrary had declar'd, he knew not the Man who had employ'd him to ride the Mare, they gave no Credit to his Testimony; but acquitted the Prisoners.

Benjamin Gofely. late of *Epsom*, was indicted for stealing Linnen and sundry Sorts of wearing Apparel, in the House of *Isaac Franks*, on the 11th of October, in the 8th Year of his Majesty's Reign.

Aaron Franks. My Brother's House at *Epsom* being rebuilding, a great Part of the Linnen, was mov'd into an Apartment that belong'd to me, which was broke open, and Linnen, and other Things to a great Value was taken away. I believe we lost to the Amount of 400*l.* or more; but altho' we had advertised the Robbery, and offer'd a Reward for bringing back what was stolen, we heard nothing of Thieves, till *Preston*, who was my Coachman, confess'd it, and said the Prisoner, who was my Brother's Coachman, had committed the Robbery.

Benjamin Preston. The Prisoner and I were both Servants in the House. I saw him break open the Laundry. He had a Candle in his Hand, and it being an unusual Time of the Night, I wonder'd what he was doing; but he soon told me, and after he

had pack'd up the Things he carried them away to *London*, and we was to go shares in them.

Sarah Hdale Mifely brought the Linnen to my House, and hid it under the Floor-ing, and a great Part of it was burnt after it was advertised. I never cohabited with the Prisoner *Mifely*. I own I have been acquainted with *Preston*.

Sarah Crampton. I was Laundry Maid in Mr. *Franks*'s House when this Robbery was done. I am sure on the over Night I lock'd the Laundry Room Door, and in the Morning I found it broke open, and all the Linnen gone. I know no more of the Matter. Guilty 39*s.*

Richard Lelton and *William Fulston*, were indicted for a Misdemeanor, in entering the Garden of *George Curtis*, of the Parish of *Lambeth*, Gardener, and stealing Leeks, value 2*s.* on the 17th of March.

William Fulston was again indicted for assaulting the said *George Curtis*, in Breach of the Peace, &c.

Mr. Curtis. I saw *Fulston* in my Garden cutting my Greens, and putting them into a Sack. I went up to him, and it was but just light enough to distinguish one Man from another. I laid hold on him, and ask'd what Business he had there, and how he dar'd to rob me. He made no more to do, but fell on me, and I believe would have kill'd me, if my Brother had not come to my Assistance. I called out, and my Brother answer'd. He cut me over the Head, that I have five Holes in it, and beat me so, that I have not been myself since. My Shirt I have here, which is all bloody, and here is the Hanger which we took from him, which would kill an Ox. My Grounds have been robbed many Times before this, but I never could catch the Thieves till now.

Mr. Curtis's Brother confirm'd his Testimony. Neither of the Prisoners had any Thing to offer in their Defence; so the Jury found *Lelton* only guilty of stealing the Leeks; but found *Fulston* guilty of both Indictments.

John Fox, for assaulting Nicholas Sweetman on the King's Highway, and Richard Smith and Robert Mather, for robbing John Galloway, Gent. on the Highway, who were capitally convicted the last Assizes and receiv'd Sentence of Death; were call'd to the Bar, and inform'd that his Majesty had been graciously pleas'd to extend his Mercy to them, on Condition they would be Transported for 14 Years, which they gladly accepted, and receiv'd Sentence accordingly.

John Kelly, who stood committed for privately stealing a Bag with 23 l. 3 s. in Silver, in the Travelling House of William Wakely, was on an Affidavit of William Hammond, Esq; that the Prosecutor was so ill that he could not attend the Assizes without Danger of his Life, continued till the next Assizes.

William Lamb and Mary his Wife, who stand committed for divers Felonies and Robberies in the County of Surrey, were also continued till the next Assizes.

William Goodman, for assaulting his own Daughter (a Child under ten Years of Age) with an Intent to commit a Rape, was discharged, no Bill being found against him.

Edward Gelberg, for stealing a Silver Tankard from Allen Chasfield; Hugh Bond, for assaulting and wounding John Mayton; & with Cotte, for Felony, and William Mountam, for a Petty Larceny, were all discharged by Proclamation.

Benjamin Hodges and Francis Probiters, were order'd to be remov'd to Newgate.

The TRAVELLERS being called, the Court proceeded to give Judgment as follows.

Receiv'd Sentence of DEATH, &c.

William Waters, James Gannell, Charles Burroughs, James Johnson, Thomas Bridges, John Elliot, Thomas Jones, Thomas Williams.

To be Transported for 7 Years, &c.

William Johnson, Philip Bell, John Salmon, Peter Lewis, Nathaniel Langley, William Prew, Edward Balcomb, Elizabeth Balcomb, John Ephraim, Benjamin Kelly, William Morris, and Thomas Jones.

BURN'D in the HAND, &c.
William Thomas.

Samuel Topp to pay a Fine of 20 l. and Sureties for his good Behaviour 3 Years.

William Pulton to pay a Fine of 10 l. and Sureties for his good Behaviour 3 Years.

Richard Lellyn to pay a Fine of 20 l.

GOD Save King GEORGE.